

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-12 have been rejected. Claim 1 has been amended, Claims 2 and 6 have been cancelled without prejudice, and Claims 1, 3, 7, and 8 have been amended. No new matter has been added. Accordingly, Claims 1, 3-5, and 7-12 will be pending in the present application upon entry of this Reply and Amendment.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected Claims 1-12 under 35 U.S.C. § 102(b) as being anticipated by EP 523273 (“Bernardi et al.”).

The Examiner stated:

Reference is made to page 6, line 19 through page 9, line 16 of the English translation of ‘273 and also to Figures 1-3 and 5. These portions of ‘273 teach a battery including a cover with a lower part and an upper part where there are present a plurality of mazes with cavities for acid deposition. The cover includes channel walls and ribs where the outlet channels are the areas 13 between the ribs 15 and the cut openings comprise release apertures 18 as set forth on page 8 of the translation as seen in Figure 1 of ‘273.

Claim 1 has been amended to incorporate features recited in Claims 2 and 6 (which have been cancelled without prejudice).

Claim 1 (as amended) is in independent form and recites a “rechargeable battery” comprising, in combination with other elements, a “lower part” that includes “cut-through areas adjacent to the outlet channels” in which “the lower part includes at the position of the cut-through areas a supporting structure with ribs which form the cell separating wall sections” and “at least one web which extends along the cut-through areas between at least

two of the ribs and at least one web which extends along the cut-through areas between at least one of the ribs and at least one wall of at least one of the outlet channels.”

Paragraphs [0026] and [0027] of the present application describe one exemplary embodiment of ribs 11 and webs 14 provided in cut-through areas provided in a lower part of a cover.

Bernardi et al. does not identically disclose a “rechargeable battery” comprising, among other elements, a “lower part” that includes “a supporting structure with ribs which form the cell separating wall sections” or “at least one web which extends along the cut-through areas between at least two of the ribs and at least one web which extends along the cut-through areas between at least one of the ribs and at least one wall of at least one of the outlet channels.”

The rejection of Claim 1 (as amended) over Bernardi et al. is improper, since Bernardi et al. does not disclose at least one element of Claim 1. Claim 1 is therefore patentable over Bernardi et al.

Dependent Claims 3-5 and 7-12, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicants respectfully request withdrawal of the rejection of Claims 1, 3-5, and 7-12 under 35 U.S.C. § 102(b).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending Claims 1, 3-5, and 7-12.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment,

to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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By 

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